

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LISA TORREY, *et al.*,

Plaintiffs,

v.

INFECTIOUS DISEASES SOCIETY OF
AMERICA,

Defendants.

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CIVIL ACTION NO. 5:17-CV-00190-RWS

ORDER

Before the Court is the parties' Joint Report of the Parties Following Motions Hearing on April 23, 2021. Docket No. 403. Previously filed with the Court and pending since February 3, 2021, is Defendant's Opposed Motion to Stay Pending Resolution of Motion to Dismiss and Motion for Summary Judgment. Docket No. 359. The Court had set the motion to stay, along with several other motions, for hearing on April 23, 2021. Docket No. 393. Between the Court setting the hearing and the hearing taking place, the parties jointly filed two requests to stay deadlines. Docket Nos. 374, 394. The second joint filing asked the Court to continue all deadlines in the Docket Control Order. Docket No. 394. Prior to the hearing, the Court agreed to continue the expert witness and expert discovery deadlines, Docket No. 376, as well as the deadlines for the parties to designate expert witnesses, to exchange expert reports and to identify trial witnesses. Docket No. 395. At the hearing, the parties did not present argument on the motion to stay, as Plaintiffs acknowledged that they had effectively agreed to stay the case. Docket No. 405 at 68:23–69:3. The Court asked the parties to confer and file a status report on whether they agreed on the

terms of the stay and whether the case could be tried in its current trial setting of September 27, 2021. *Id.* at 73:16–74:7.

In the resulting status report filed on May 7, 2021, the parties agreed that it is not feasible for this case to be tried in its September trial setting. Docket No. 403 at 1. Parties disagreed as to whether the case should be stayed until rulings on the dispositive motions have been issued. *Id.* at 1–3.

Since filing the status report, the parties neither requested a continuance nor filed any pretrial documents in accordance with the Second Amended Docket Control Order. Docket No. 376 (setting a June 25, 2021 deadline to file a Joint Final Pretrial Order, Joint Proposed Jury Instructions and Verdict Form, Motions *in Limine* and Pretrial Objections).

Based on the parties' prior joint requests to continue all deadlines, the parties' statements at the motions hearing, the parties' agreement that the case cannot be tried in its current trial setting and the parties' actions since the hearing effectively treating the case as stayed in its entirety, the Court **STAYS** all deadlines not previously continued in the current Docket Control Order (Docket No. 376).

So ORDERED and SIGNED this 7th day of July, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE